

Docket No. 1948-4293US1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s) : Menard et al.
 Serial No. : 09/041,538 Group Art Unit: 1771
 Filed : March 11, 1998 Examiner: A. Singh
 For : **FRICITION MATERIAL DESIGNED FOR FITTING TO A DEVICE
 EMPLOYING FRICITION IN A LIQUID MEDIUM, AND THE
 METHOD OF PRODUCING SUCH A FRICITION MATERIAL AND
 THE DEVICE TO WHICH IT IS FITTED**

FEB 26 2004

OFFICIALAMENDMENT AND RESPONSE

Commissioner for Patents
 Washington, D.C. 20231

Sir:

This Amendment and Response is submitted in response to an Office Action setting a three-month response date from a Office Action dated **November 5, 2002**, the shortened statutory period for response having expired on **February 5, 2003**. Accordingly, the Applicant petitions for an extension of time, the petition and corresponding fee attached herewith. Further, if the Commissioner determines that any additional extension of time and/or fee is required, the applicant hereby petitions for the required extension of time and authorizes the Commissioner to charge deposit account 13-4500, order 1948-4293US1.

Please amend the application as follows:

IN THE CLAIMS

- 1 (Five Times Amended) A friction material designed for fitting to a device employing friction in a liquid medium, the friction material comprising
 - approximately 20% to 40% by weight a mat of non-woven fibres,
 - approximately 40% to 60% by weight a thermosetting resin which impregnates said fibres, wherein the fibres have a length of at least 12 mm, and

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The Applicants traverse the rejection and respectfully submit that the amended claims particularly point out and distinctly claim the invention. Amended independent claims 1 and 33 recite inclusion of filler ranging by weight between a nonzero percentage proximate 0% and approximately 40%, and a nonzero percentage proximate 0% to approximately 40 filler respectively, in the claimed friction material. The Applicants respectfully submit that this recitation is definite, at all times calling for the inclusion of some amount of filler in the claimed friction material. Accordingly, claims 1 and 33 are definite. Based on claims dependency, claims 2-7, 9-11, 25, 28, and 34-39 are also definite. Thus, the Applicants respectfully request withdrawal of the rejection of all pending claims under 35 U.S.C. 112(b).

Information Disclosure Statement

The Office also asserts that the information disclosure statement file March 11, 1998, fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent, each publication or that portion which caused it to be listed, and all other information or that portion which caused it to be listed. The Office asserts that it failed to receive any of the foreign document listed on the information disclosure statement.

The Applicant respectfully submits that all foreign patent documents listed in the information disclosure statement were provided to the Office at the time of submission. The Applicant notes that the foreign documents were initially disclosed and provided in the parent application of this continuation application and so, by rule, did not have to be re-submitted in this application but merely disclosed. The foreign documents were disclosed in the application transmittal of this continuation application. The Applicant also notes that the face of the parent application, U.S. Application No. 5,807,518, lists the foreign documents. Nevertheless, the Applicant provides herewith an additional copy of the foreign documents listed in the information disclosure statement of March 11, 1998, and requests consideration of the same.

Conclusion

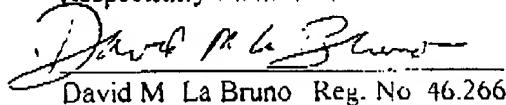
Based on the foregoing remarks, it is respectfully submitted that all the claims as

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currently pending are patentable and in condition for allowance. Reconsideration of the application and withdrawal of the rejections are respectfully requested.

In the event that a telephone conference would facilitate examination in any way, the Examiner is invited to contact the undersigned representative at the number provided.

Respectfully submitted,



David M. La Bruno Reg. No 46.266

Dated: February 27, 2003

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